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Via PACER

The Honorable Evelyn Padin
United State District Judge for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
Courtroom – MLK 4C
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Re: *American Maritime Services of New York v. Grimaldi Deep Sea S.P.A. and
M/V COSTA GRANDE D'AVORIO*
District of New Jersey
Index No.: 2:23-cv-04109-EP-JRA

Dear Judge Padin:

We represent American Maritime Services of New York (“AMS”), in the above referenced matter. On behalf of counsel for all parties, and we write jointly pursuant to the Honorable Court’s direction and request for a status report:

The parties have not reached full agreement on any of the three (3) subjects at issue in this matter. Specifically, the parties provide the following:

1. **Document Production:**

Grimaldi Response: While Grimaldi is willing to produce certain documents to AMS, there must be a mutual production of documents by all interested parties. Since the Petition was filed, Ports America and the Port Authority have joined in AMS’s request for pre-litigation discovery. Among other documents, Port Authority will have critical CCTV recordings, and Ports America will have documents regarding its purchase, maintenance, and repair of the push-Jeep that spontaneously started the fire. The productions should follow the Fed.

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Rules of Civil Procedure. Specifically, formal requests should be exchanged, and formal responses made, with Bates-labeled documents exchanged on a mutually agreed-upon date. The deadlines can be shortened by agreement of the parties. To date, we have no commitment from AMS and the other interested parties to produce documents, let alone follow the rules and set deadlines for production.

AMS Response: While AMS does not believe that Grimaldi should be entitled to preferential documentary discovery given the fact that AMS is present in the jurisdiction and is subject to the subpoena power of this Honorable Court, in the spirit of cooperation, AMS is willing to proceed this way as long as (A) the deadline for documents to be mutually exchanged does not exceed twenty (20) days from today; and (B) no documents or evidence is altered, destroyed or goes missing (*i.e.* leaves the jurisdiction) from now until the date of its disclosure.

Ports America Response: Ports America agrees and joins in AMS's response above.

2. Further Testing/Inspections:

Grimaldi Response: On Sunday, August 13, 2023, AMS sent a letter to counsel for Grimaldi listing for the first-time additional tests/inspections that it wants. Grimaldi remains willing, notwithstanding the three prior inspections, to consider further inspections and even some testing, but having only received the request in writing less than 24 hours ago, is understandably still working with the ship's captain and others to determine what is feasible and necessary at this time.

AMS Response: It is AMS' position it will work with Grimaldi with respect to this issue, but that the vessel must remain in place and that no areas of the vessel be altered, destroyed or otherwise changed until such time as these issues can be worked out, and that if these issues cannot be worked out, that the parties may immediately inform the Honorable Court of same and the Court will rule on these issues. Grimaldi must inform AMS of its position by Friday, August 18, 2023 and application to this Honorable Court must be made by August 22, 2023 relative to same.

Ports America Response: Ports America agrees and joins in AMS's response above.

3. Depositions of the Officers and Crew:

The parties are still in disagreement over this issue.

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On behalf of all parties, we thank Your Honor for Your time and attention to this matter.

Respectfully submitted,
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Cc: **Via PACER and Electronic Mail**

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